

1  
2  
3  
4 BEN CASILLAS, et al.,  
5 Plaintiffs,  
6 v.  
7  
8 BAYER CORPORATION,  
9 Defendant.

10 Case No. 23-cv-01609-JSC  
11

12  
13 **ORDER RE: DIVERSITY  
14 JURISDICTION**

15 Re: Dkt. No. 1  
16  
17

18 Defendant Bayer Healthcare LLC, which asserts it has been erroneously sued as Bayer  
19 Corporation, removed this case to federal court. (Dkt. No. 1.)<sup>1</sup> Bayer invokes federal subject  
20 matter jurisdiction on the basis of diversity. (*Id.* ¶¶ 7–12.) Plaintiffs are individual citizens of  
21 California. (*Id.* ¶ 8.) Bayer “is a Delaware corporation with its principal place of business in the  
22 State of New Jersey.” (*Id.* ¶ 9.)

23 However, “an LLC is a citizen of every state of which its owners/members are citizens.”  
24 *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Therefore, the  
25 notice of removal does not properly allege diversity jurisdiction because it does not allege the  
citizenship of each member of Bayer. No other basis for federal question jurisdiction is clear from  
the complaint. *See Nationwide Mut. Ins. Co. v. Liberatore*, 408 F.3d 1158, 1161–62 (9th Cir.  
2005) (explaining that, despite “inartful pleading,” complaint “expressly states that resolution of  
its claims would require the federal court to apply the Federal Tort Claims Act, a clear indication .  
. [of] federal subject-matter jurisdiction”).

26 Accordingly, on or before May 8, 2023, Bayer shall file an amended notice of removal,  
27

28 

---

<sup>1</sup> Record citations are to material in the Electronic Case File (“ECF”); pinpoint citations are to the  
ECF-generated page numbers at the top of the documents.

1 (see Dkt. Nos. 1, 5), that sets forth the citizenship of each of its members. See *Kokkonen v.*  
2 *Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (“Federal courts are courts of limited  
3 jurisdiction. . . . It is to be presumed that a cause lies outside this limited jurisdiction, and the  
4 burden of establishing the contrary rests upon the party asserting jurisdiction.” (citations omitted));  
5 see also *Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010) (“Courts have an independent obligation to  
6 determine whether subject-matter jurisdiction exists, even when no party challenges it.”).

7 **IT IS SO ORDERED.**

8 Dated: April 24, 2023

9  
10  
11   
12 JACQUELINE SCOTT CORLEY  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28